Integrating Tribal Coordination into the Planning Process

The Pyramid Lake Paiute Tribe and the

Truckee Meadows Flood Control Project

Native American Considerations in the Planning Process

- A 1994 Presidential Memorandum directs Federal agencies to establish a government-to-government relationship with federally recognized tribes.
- ER 1105-2-100, Planning Guidance Notebook, April 2000, Appendix C-4, Cultural Resources, Section (e), Native American Considerations

Tribal Policy Principles

- (a) Tribal Sovereignty
- (b) Trust Responsibility
- (c) Government-to-Government Relations
- (d) Pre-decisional Consultation
- (e) Self Reliance and Growth
- (f) Natural and Cultural Resources

Pyramid Lake Paiute Tribe

- The Pyramid Lake Paiute appear to have resided around Pyramid Lake for at least several centuries.
- Their cultural and linguistic affiliation is Northern Paiute.
- The Pyramid Lake Paiute refer to their people as the Cui Ui Ticutta, meaning cui-ui eaters.

DAVE L. KOCH
CUI-UI HATCHERY

Pyramid Lake Paiute Tribe and Reservation

- The Tribe is federally recognized and has about 2,250 enrolled members.
- The majority of the population resides on the reservation.
- The reservation contains 742 square miles.
- The reservation also contains about 30 river miles of the lower Truckee River, and Pyramid Lake, where the river terminates.

Pyramid Lake

- Pyramid Lake is a surviving remnant of Pleistocene-epoch Lake Lahontan.
- Pyramid Lake is 26 miles long, and varies from 4 to 11 miles wide.
- Pyramid Lake covers 183 square miles and its current surface elevation is about 3,790 feet.
- The salinity is about 4.3 parts per thousand.

GATE 6
GATE 3

Pyramid Lake Fishery

- Diversions of water from the Truckee River into the Carson River have lowered Pyramid Lake levels.
- Pyramid Lake provides habitat for the Lahontan cutthroat trout and cui-ui; both species are listed under the ESA.
- Today, the fish survive in Pyramid Lake only through the operation of tribal fish hatcheries.

Removal of Vista Reef

- During the 1960's, the Corps removed a natural channel obstruction in the Truckee River, the Vista Reef.
- Removal of the Vista Reef led to an incised channel.
- The PLPT has argued that removal of the Vista Reef adversely affected tribal land downstream.

Tribal Water Rights Litigation

- In 1968, the Tribe began a series of lawsuits to decrease water diversions in the lower Truckee River.
- The goal of the litigation was to allow for sufficient flows to stabilize the level of Pyramid Lake.
- In 1990, Congress intervened, and passed the Truckee-Carson-Pyramid Lake Water Settlement Act.

Truckee-Carson-Pyramid Lake Water Settlement Act of 1990

- Section 207 of the Act authorized the Corps to study rehabilitation of the lower Truckee River.
- Marble Bluff and Numana Dams are located on the reservation, and are significant barriers to fish passage.
- The Corps completed feasibility studies for fish passage improvements at Marble Bluff and Numana Dams, but the projects have not been implemented.

Consider Fishery Restoration in Truckee Meadows Project

- The Truckee Meadows Project has focused on riparian restoration, but has not revisited the issue of fishery restoration in the lower Truckee River.
- This year, the Tribal Chairman met with the ASA (Civil Works) to request that Pyramid Lake fishery restoration be incorporated into the existing project.

PYRAMID LAKE

The Tribe and the Truckee Meadows Flood Control Project

- The Corps is actively consulting with the Tribe.
- The Corps and the Tribe are discussing an MOU to establish a more formal government-to-government relationship.
- Unlike other Corps/Tribal MOUs that focus on cultural resource law compliance, this MOU will focus on the Pyramid Lake fishery.

Lessons Learned

- Tribes such as the PLPT are asserting their interests through a number of channels.
- Corps PDTs need to address tribal concerns throughout the Planning Process.
- The establishment of a government-to-government relationship with a tribe is a diplomatic process, and requires more than mere compliance with cultural resource laws.